

REMARKS

In the October 27, 2005 Office Action, the Examiner rejected claims 1-22 and 25-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0111360 to Albanese, and rejected claims 23-24 under 35 U.S.C. §103(a) as being unpatentable over Albanese.

Applicants previously pointed out to the Examiner that each pending claim of the present application includes in one form or another the requirement that “a minimum degree of affinity correlation constituting a match *varies depending on the proximity* of said first and second users.” In the October 27, 2005 Office Action, the Examiner cites paragraph [0072] of Albanese for the proposition that Albanese “teaches comparing algorithms that are performed as wide in time and geographic location as the profiles of the first and second users permit.” This language cited by the Examiner simply reflects the fact that in Albanese a user may set a threshold for a minimum distance and set a threshold for a window of time. Thus, in Albanese, a user may set a threshold indicating that affinity matches should only be presented to the user if the matching party is within 0.25 miles of the user. Nothing in Albanese suggests that *minimum degree of affinity match* varies depending on the distance between users.

Further, Applicants inclusion of the claim language “a minimum degree of affinity correlation constituting a match varies depending on the proximity of said first and second users” was not intended to encompass the simple setting of time and distance thresholds such as is disclosed in Albanese. Rather, as discussed at paragraphs [0046] and [0054] of the present application, Applicants intended that the minimum degree of affinity match vary *as a function of* the distance between users. Accordingly, Applicants have changed the word “depending” in the claims to the language “as a function of” to more clearly state this distinction.

Conclusion

For at least the foregoing reasons, Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If the Examiner believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, she is invited to call on the number below.

If any other fees are due in connection with this application, including those for the new claims and any necessary extension of time, such fees may be charged to PTO Deposit Account 50-2837.

Respectfully submitted,

24IP Law Group USA, PLLC

By: 

Timothy R. DeWitt

Registration No. 35,857

24IP Law Group USA, PLLC
600 Cameron Street, Ste. 600
Alexandria, Virginia 22314

Tel: 703-340-1686

Fax: 703-340-1687

Date: December 12, 2005